

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

[UNDER SEAL],

PLAINTIFF,

v.

[UNDER SEAL],

DEFENDANTS

No. 15 Civ. ____

FILED UNDER SEAL

DECLARATION OF LYNN O'CONNOR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

ARKADIY DUBOVOY, et al.

Defendants.

Case No.

Declaration of Lynn O'Connor

I, Lynn O'Connor, hereby declare as follows:

1. I am employed as Senior Counsel in the Enforcement Division in the Philadelphia Regional Office of the United States Securities and Exchange Commission (the "Commission"), the Plaintiff in this matter, located at 1617 JFK Boulevard, Suite 520, Philadelphia, Pennsylvania 19103. My official duties include participating in fact-finding inquiries and investigations to determine whether federal securities laws have been, are presently being, or are about to be violated, and assisting in the Commission's litigation of enforcement actions.

2. I hold a law degree from the University of Pennsylvania Law School, located in Philadelphia, Pennsylvania. I am licensed to practice law in Pennsylvania.

3. I am assigned to the Commission's investigation relating to the conduct alleged in the complaint.

4. In connection with this assignment, I have, among other things, reviewed certain of the defendants' emails; forensic reports relating to the hacking defendants' computers; forensic reports regarding the hacking into certain newswire services; documents received from the newswire services, including upload and submission times for press releases; and documents received from various broker-dealers registered in the U.S., including account documentation for

numerous brokerage accounts owned and/or controlled by the trading defendants, as well as trade blotters showing order entry and execution times.

5. I make this declaration based on my personal knowledge, information and/or belief, and based upon my review and analysis of the records referenced above, in support of the Commission's Motion for a Temporary Restraining Order, Order Freezing Assets and Granting Other Relief, and for a Preliminary Injunction.

DEFENDANTS

I. The Hacker Defendants

6. **Oleksandr Ieremenko, a.k.a. Aleksander Eremenko ("Ieremenko")** is 23 years old and resides in Kiev, Ukraine.

7. **Ivan Turchynov ("Turchynov")** is, upon information and belief, 27 years old and resides in Kiev, Ukraine.

II. The Trader Defendants

A. The Dubovoy Group Defendants

8. The Dubovoy Group defendants are a close-knit group of traders, consisting primarily of family, friends, and business associates of Arkadiy Dubovoy. Collectively, the Dubovoy Group defendants realized over \$31 million in profits. **Exhibit 1** is a true and correct redacted copy of a Profit and Trading Summary, which summarizes voluminous records detailing defendants' trading in advance of stolen press releases. This summary was compiled from data received from the broker-dealers, including information contained in brokerage statements and trade blotters (order entry and execution times of trades, among other things) and information from Newswire Services 1 and 2, including submission and distribution times for the press releases.

9. The Dubovoy Group defendants opened trading accounts in their names, names of companies they owned, and in the name of four other associates (“Straw Owners”).

- a. Straw Owner 1 is the manager of Ukrainian ice cream company owned by Arkadiy Dubovoy, who had straw ownership for accounts at Interactive Brokers ending in *4463, Cimbanque ending in *C011, and Tradestation ending in *7799. **Exhibit 2** is a true and correct redacted copy of the account opening documents for Straw Owner 1’s Interactive Brokers account ending *4463. **Exhibit 3** is a true and correct redacted copy of an email from Leonid Momotok to himself showing the login and security information for Straw Owner 1’s account at Cimbanque ending in *4463 and Tradestation ending in *7799, among other things.
- b. Straw Owner 2 is the brother of defendant Leonid Momotok, and had straw ownership for accounts at E*Trade ending in *0592, TD Ameritrade ending in *2779, and Charles Schwab ending in *3160. **Exhibits 4, 5, and 6** are true and correct redacted copies of the account opening documents for Straw Owner 2’s E*Trade account ending *0592, TD Ameritrade ending in *2779, and Charles Schwab ending in *3160, respectively. **Exhibit 7** is a true and correct redacted copy of an email sent to Leonid Momotok’s email (leonard4m@gmail.com) confirming a wire request for Straw Owner 2’s Charles Schwab account ending in *3160.
- c. Straw Owner 3 is the manager of the Ukrainian branch of one of Arkadiy Dubovoy’s companies, R.J. Construction, and had straw ownership for Interactive Brokers account ending in *8348. **Exhibit 8** is a true and correct redacted email

forwarded to Leonid Momotok's email (leonard4m@gmail.com) from Straw Owner 3 attaching an email from Trade Monster enclosing account opening documents. **Exhibit 9** is a true and correct redacted copy of an account opening summary for Straw Owner 3's Interactive Brokers account ending in *8348. This document reflects that Straw Owner 3 is employed by RJ Construction in the Ukraine.

- d. Straw Owner 4 is another manager of the Ukrainian branch of RJ Construction, and had straw ownership of Interactive Brokers account ending in *8944, Charles Schwab account ending in *0875, and Bank of America account ending in *9456.

Exhibits 3, 10, 11, and 12 are true and correct redacted copies of the account opening documents for Straw Owner 4's Interactive Brokers account ending in *8944, Charles Schwab account ending in *0875, and Bank of America account ending in *9456.

10. **Arkadiy Dubovoy (“Arkadiy Dubovoy”)** is 50 years old and his last known address is 3374 Cedar Farms Court, Alpharetta, Georgia. **Exhibit 13** is a true and correct redacted copy of Arkadiy Dubovoy's driver's license. His email addresses include dubovoy01@gmail.com. He is the owner or partial owner of several limited liability corporations ostensibly involved in the construction business, including defendants APD Developers LLC, and Southeastern Holding and Investment Company LLC. **Exhibit 14** is a true and correct redacted copy of a business plan submitted by APD Developers, which depicts APD's ownership structure; **Exhibit 15** is a true and correct redacted copy of a K-1 statement for Southeastern Holding. He is also the owner of Boni Inc., which is purportedly in the brokerage services business. **Exhibit 16** is a true and correct redacted copy of Boni Inc's tax return. The

following brokerage accounts, opened in the name of Arkadiy Dubovoy or in the name of entities he owns, were involved in the scheme and trading in those accounts realized over \$11 million in profits: Options House account ending in *8957 (**Exhibit 17** is a true and correct redacted copy of an email dated April 4, 2013 attaching Arkadiy Dubovoy's account opening documents for Options House *8957); Trade King account ending in *8312; Charles Schwab accounts ending in *0365 and *8834 (**Exhibits 18 and 19** are true and correct redacted copies of account opening documents for Charles Schwab * 0365 and *8834); E*Trade accounts ending in *6987 (**Exhibit 20** is a true and correct redacted copy of account opening documents for E*Trade *6987); Fidelity account ending in *6216 (**Exhibit 21** is a true and correct redacted copy of account opening documents for Fidelity *6216); Merrill Lynch account ending in *9078 (**Exhibit 22** is a true and correct redacted copy of account opening documents for Merrill Lynch *9078); Scottrade account ending in *0584 (**Exhibit 23** is a true and correct redacted copy of account opening documents for Scottrade *0584); and TD Ameritrade accounts ending in *7954 and *4751 (**Exhibits 24 and 25** are true and correct redacted copies of account opening documents for accounts for TD Ameritrade *7954 and *4751).

11. **Igor Dubovoy (“Igor Dubovoy”)** is 28 years old and Arkadiy Dubovoy’s son. **Exhibit 26** is a true and correct redacted copy of Igor Dubovoy’s TD Ameritrade account *3268; **Exhibit 27** is a true and correct redacted copy of an email dated June 30, 2012 from Igor Dubovoy to Arkadiy Dubovoy “Dad.” His email accounts include igor_dubovoy@hotmail.com and dubovoy1@gmail.com. **Exhibits 18, 26.** His last known address is 3374 Cedar Farms Court, Alpharetta, Georgia. He owns entities used in the scheme, including Dawson & Dawson Associates, LLC (“Dawson”) and M& I Advising Inc. (“M&I Advising”), and assists Arkadiy Dubovoy in operating Boni Inc., an entity used to transfer funds between brokerage accounts.

Exhibits 28, 29, 30, and 31 are true and correct redacted copies of account opening documents for Dawson & Dawson, Boni Inc. and M&I Advising. Accounts in the name of M&I Advising Inc. (TD Ameritrade account ending in *7757) and Dawson and Dawson (TD Ameritrade account ending in *3311) were involved in the scheme. **Exhibits 29 and 30.** Igor Dubovoy also had trading authority on, and/or actively managed, several of Arkadiy Dubovoy's brokerage accounts, including: TD Ameritrade accounts ending in *4751 (contact email address dubovoy1@gmail.com) and *7954; and Arkadiy Dubovoy's Charles Schwab account ending *0365 (contact email address igor_dubovoy@hotmail.com). **Exhibit 24; Exhibit 32** is a true and correct redacted copy of a Trading Authorization Agreement for TD Ameritrade account ending *7954; **Exhibit 18.** Igor Dubovoy gave Power of Attorney to Leonid Momotok to trade in the accounts with which Igor Dubovoy was associated. **Exhibit 33** is a true and correct redacted copy of a Power of Attorney agreement from Igor Dubovoy to Leonid Momotok.

12. **Pavel Dubovoy (“Pavel Dubovoy”)** is 32 years old and resides in Kiev, Ukraine and at 3374 Cedar Farms Court, Alpharetta, Georgia. **Exhibit 34** is a true and correct redacted copy of a July 25, 2011 email with Pavel Dubovoy’s Georgia address and date of birth. He shares a credit card with Arkadiy Dubovoy. **Exhibit 35** is a true and correct redacted copy of a credit card statement in the names of Arkadiy and Pavel Dubovoy. He told other Dubovoy Group defendants, including Aleksandr Garkusha, how to access the press releases the hacker defendants stole. **Exhibit 36** is a true and correct redacted copy of an email dated February 15, 2013 from Pavel Dubovoy to Arkadiy Dubovoy transmitting network access information and passwords. **Exhibit 37** is a true and correct redacted copy of a December 6, 2010 email from Garkusha to an unidentified individual, enclosing a forwarded message from Pavel Dubovoy with instructions on how to access the network for stolen press releases. Pavel Dubovoy also

directed payments to Turchynov through various Dubovoy entities and confirmed these payments with Arkadiy Dubovoy. Using one or more intermediaries, Pavel Dubovoy also communicated with the hacker defendants and, in at least once instance, told them which press releases to unlawfully acquire. **Exhibit 38** is a true and correct redacted copy of an October 12, 2011 email from Pavel Dubovoy to an unidentified individual.

13. **Nelia Dubova (“Dubova”)** purports to be 38 years old and resides at UL Marseljskaya 32/2-1, Odessa, Ukraine. **Exhibit 39** is a true and correct redacted copy of a passport for Dubova; **Exhibit 40** is a true and correct redacted copy of a W-8BEN form in the name of Dubova. She owned one of the brokerage accounts involved in the scheme, (Apex (“APX”) account ending *4899) and was the signatory officer for another account in the name of defendant Beratto Group (APX *5038). **Exhibit 41** is a true and correct redacted copy of account opening documents for APX *4899; **Exhibit 42** is a true and correct redacted copy of account opening documents for APX *5038. Khalupsky and Igor Dubovoy possessed the login information for the Beratto APX account ending *5038. **Exhibit 43** is a true and correct redacted copy of an email dated April 17, 2014 from Igor Dubovoy to Khalupsky enclosing a link to Berratto’s APX account ending *5038 and login and pin. The Dubovoy Group defendants used these two accounts to make trades resulting in approximately \$1 million in profits. **Exhibit 1.**

14. **Aleksandr Garkusha (“Garkusha”)** is 47 years old and resides at 4090 Ashville Manor Ct., Cumming, Georgia. His email address is garkusha1@gmail.com. He is the Executive Vice President of defendant APD Developers, which is owned by Arkadiy Dubovoy. **Exhibit 14.** He also manages the trading operations of Tanigold Assets Ltd., an entity that Pavel Dubovoy used to make payments to Turchynov. **Exhibit 44** is a true and correct redacted copy

of a collection of emails related to payments by Tanigold Assets to Turchynov via intermediaries. **Exhibit 45** is a true and correct redacted copy of an agreement between Boni and Tanigold. He was the former principal at Verum Capital Group LLC, which was located at the same address as APD Developers, 6495 Shiloh Road, Alpharetta, Georgia. Arkadiy Dubovoy consulted with Pavel Dubovoy regarding what issuers to target. **Exhibit 46** is a true and correct redacted copy of an email dated October 9, 2013 from Arkadiy Dubovoy to Garkusha forwarding an email from Pavel Dubovoy which includes a picture of a list of stock tickers and dates of earnings releases.

15. **Vladislav Khalupsky (“Khalupsky”)** is 44 years old and resides in Brooklyn, New York, and at 2 Armeyskaya Street, Apt. 23, Odessa, Ukraine. **Exhibit 47** is a true and correct redacted copy of a CRD for Khalupsky; **Exhibit 48** is a true and correct redacted copy of a wire confirmation showing Khalupsky’s address. Khalupsky worked in the securities industry as a registered representative until June 2011. **Exhibit 47**. His email address is vkhalkalupsky@gmail.com. **Exhibit 49** is a true and correct redacted copy of a June 3, 2013 email from Arkadiy Dubovoy to Khalupsky. Along with Igor Dubovoy, Korchevsky and Garkusha, Khalupsky helped the Dubovoy Group set up off-shore accounts. **Exhibits 31, 49**. He assisted Igor Dubovoy and Arkadiy Dubovoy in wiring money. **Exhibits 49, 50, 51, and 52** are true and correct redacted copies of wire confirmations. He directed the configuration of one Arkadiy Dubovoy’s brokerage accounts involved in the scheme (Merrill Lynch account ending *9078) (an account he referred to in a conversation with Arkadiy Dubovoy as “our account”) and helped to direct the Dubovoy Group’s trading in other accounts. **Exhibit 53** is a true and correct redacted copy of an email dated February 27, 2013 from Khalusky to Arkadiy Dubovoy. **Exhibit 54** is a true and correct redacted copy of an email dated September 16, 2013 from

Khalupsky to Arkadiy Dubovoy with links to Yahoo Finance. He made or directed trades in the above accounts. **Exhibit 53.**

16. **Vitaly Korchevsky (“Korchevsky”)** is 49 years old and resides at 1709 Slitting Mill Road, Glenn Mills, Pennsylvania. Korchevsky was previously a registered investment adviser and established and managed hedge funds. **Exhibit 55** is a true and correct redacted copy of a CRD; **Exhibit 56** is a true and correct redacted copy of an NTS Capital Fund corporate agreement. He has partnered with Arkadiy Dubovoy in various enterprises, including hedge funds. **Exhibit 57** is a true and correct redacted copy of a Certificate and Trading Authorization for SNT Capital Fund; **Exhibit 62** is a true and correct redacted copy of an email dated January 14, 2014 from Korchevsky attaching a subscription agreement. Korchevsky coordinated his trading with Arkadiy Dubovoy and other members of the Dubovoy Group. Korchevsky owns various brokerage accounts, including: E*Trade account ending in *6623 (**Exhibit 63** is a true and correct redacted copy of an account application for E*Trade *6623); Fidelity account ending in *4716 (**Exhibit 64** is a true and correct redacted copy of an account application for Fidelity *4716); TD Ameritrade accounts ending in *2449 (**Exhibit 65** is a true and correct redacted copy of an account application for TD Ameritrade *2449), and *1014 (**Exhibit 66** is a true and correct redacted copy of an account application for TD Ameritrade *1014). Along with his wife, Korchevsky owns NTS Capital Fund L.P, which also traded in connection with this scheme in its account at JP Morgan/Jefferies account ending in *0336. **Exhibit 67** is a true and correct redacted copy of a Jeffries account application for *0336. Korchevsky made more than 600 trades in front of the release of stolen press releases, realizing approximately \$17.5 million in profits. **Exhibit 1.**

17. **Leonid Momotok** (“Momotok”) is 47 years old and resides in Cumming, Georgia. **Exhibit 68** is a true and correct redacted copy of a driver’s license in the name of Momotok. He owns a one-percent interest in two of Arkadiy Dubovoy’s companies, RJ General Maintenance (“RJ Maintenance”) and defendant Southeastern Holding & Investment Company LLC (“Southeastern Holding”). **Exhibit 69** is a true and correct redacted copy of a tax form for RJ Maintenance; **Exhibit 70** is a true and correct redacted copy of Southeastern Holding’s Articles of Incorporation. Momotok is also the managing member of defendant Southeastern Holding. **Exhibit 69.** Momotok advised Arkadiy Dubovoy regarding trading strategy. **Exhibit 71** is a true and correct redacted copy of an email dated August 29, 2013 from Momotok to Arkadiy Dubovoy enclosing a list of stock ticker symbols. Momotok also had formal trading authority for brokerage accounts used in the scheme but in the name of other members of the Dubovoy Group defendants, including: Dubovoy’s Scottrade account ending *0584; Southeastern Holding’s Charles Schwab account ending *3154 and TD Ameritrade account ending *6350. **Exhibits 72, 73, and 74** are true and correct copies of account applications for Scottrade *0584, Charles Schwab *3154 and TD Ameritrade *6350. Momotok also used accounts held by Igor Dubovoy and Straw Owners 1, 2, 3, and 4 to trade in this scheme.

18. **APD Developers, LLC** (“APD”) purports to be a construction business located at 6495 Shiloh Road, Alpharetta, Georgia. **Exhibit 14.** Arkadiy Dubovoy owns APD. **Id.** He opened brokerage accounts in the name of APD: TD Ameritrade ending *4751, TD Ameritrade ending *7954 and Charles Schwab ending *0365. **Exhibit 75** (a true and correct redacted copy of a TD Ameritrade *4751 account opening document); **Exhibit 25;** and **Exhibit 19.**

19. **Beratto Group LLC** (“Beratto”) purports to be a real estate and investment company located at Geneva Place, Waterfront Drive, Tortola, British Virgin Islands. Beratto

owned an APX account ending *5038. **Exhibit 42.** While the signatory on the account was Dubova, Khalupsky and Igor Dubovoy also had the login information for this account. **Exhibit 43.**

20. **NTS Capital Fund L.P. (“NTS”)** purports to be a hedge fund located at Korchevsky’s home, 1709 Slitting Mills Road, Glenn Mills, Pennsylvania. It is owned by Korchevsky and his wife. **Exhibit 56.** NTS has a brokerage account at Jeffries/JP Morgan account ending *0336. **Exhibit 67.** Korchevsky made trades in in that account resulting in approximately \$3.2 million in profits. **Exhibit 1.**

21. **Southeastern Holding and Investment Company LLC (“Southeastern”)** purports to be a Georgia limited liability corporation with its principal place of business at 3421 Preston Pointe Way, Cumming, Georgia. **Exhibit 70.** Its managing members are Arkadiy Dubovoy and Momotok. **Exhibit 15.** Southeastern has or had brokerage accounts at Charles Schwab ending in *3154 and TD Ameritrade ending in *6350. **Exhibits 72, 73, and 74.** Trades were made in these accounts resulting in approximately \$165,000 in profits. **Exhibit 1.**

B. The Foreign Trader Defendants

22. **David Amaryan (“Amaryan”)** is 35 years old and resides at Akademicheskaya B. Street, House 15, 1, 255, Moscow, Russian Federation. **Exhibit 76** is a true and correct redacted copy of a passport in Amaryan’s name. One of his email addresses is david.amaryan@gmail.com. He is the CEO of Ocean Prime Inc. (“Ocean Prime”) and the sole director of Intertrade Pacific S.A., (“Intertrade”), which purports to be a Russian proprietary trading fund. **Exhibits 76; Exhibits 77 and 78** (true and correct redacted copies of Interactive Brokers account summary information for Ocean Prime and Intertrade). Amaryan opened accounts for Ocean Prime at Interactive Brokers ending *9827 and for Intertrade at Interactive

Brokers ending *8284. **Exhibits 77 and 78.** Trades were made in the Ocean Prime and Intertrade accounts resulting in approximately \$3.7 million in profits. As described below Amaryan and defendant Nikolai Slepakov, who owns defendant Escada Logistics, often made trades in the same securities, on the same days and around the same time and, frequently, via the same IP addresses. **Exhibit 1; Exhibit 79** (a true and correct redacted copy of a Summary Exhibit of internet protocol (“IP”) addresses used during the relevant time period sorted by source, account/email/other, associated person, and IP address). This document was prepared based on underlying data obtained from various sources, including broker-dealer records, forensic images and reports, and records from Google.

23. **Ocean Prime Inc.** (“Ocean Prime”) purports to be a proprietary trading fund established in the British Virgin Islands with its principal place of business 16 Sadovnicheskaya St., Moscow, Russian Federation. **Exhibit 77.**

24. **Intertrade Pacific S.A.** (“Intertrade”) purports to be proprietary trading fund established in the British Virgin Islands with its principal place of business at Akademicheskaya B. Street, House 15, 1, 255, Moscow, Russian Federation. **Exhibit 78; Exhibit 80** is a true and correct redacted copy of Intertrade corporate documents. Amaryan is the owner and sole director of the fund. Intertrade’s address is the same as Amaryan’s home address in Moscow. **Exhibit 78.**

25. **Nikolai Slepakov** (“Slepakov”) is 46 years old and resides at 4, Sevanskaya Street, Apt. 420, Moscow, Russian Federation. **Exhibit 81** is a true and correct redacted copy of Interactive Brokers summary information for Slepakov. His email addresses are nikolai.slepakov@gmail.com and sn1968@me.com. He is the CEO and owner of a proprietary trading fund, Escada Logistics Ltd. **Exhibit 82** is a true and correct redacted copy of Interactive

Brokers summary information for Escada. He has an account at Interactive Brokers ending in *6218. **Exhibit 81.** Slepakov executed trades in that account resulting in approximately \$1.25 million in profits, often in the same securities, on the same days, close to the same times and frequently via the same IP addresses as Ocean Prime, Intertrade and Escada. **Exhibits 1 and 79.**

26. **Escada Logistics Ltd.** (“Escada”) purports to be a proprietary trading fund established in the British Virgin Islands with its principal place of business at 4 Sevanskaya Street, Apt. 420, Moscow, Russian Federation. **Exhibit 82.** Slepakov runs Escada out of his apartment in Moscow and opened an account in the name of Escada at Interactive Brokers (ending *2806), which he used to execute trades resulting in approximately \$850,000 in profits.

Exhibit 1.

27. **Alexander Fedoseev (“Fedoseev”)** is 29 years old and resides at Holzunova 40 G, Voronezh, Russian Federation, the same town as defendant Roman Lavlinskiy. **Exhibit 83** is a true and correct redacted copy of a driver’s license in the name of Fedoseev. **Exhibit 84** is a true and correct redacted copy of Interactive Brokers summary information for Lavlinskiy. Fedoseev owns Interactive Brokers account ending *4148. **Exhibit 85** is a true and correct redacted copy of Interactive Brokers summary information for Fedoseev. The email address associated with that account is: veesofed@gmail.com. **Id.** Fedoseev executed trades in that account resulting in approximately \$700,000 in profits. **Exhibit 1.** In the brokerage accounts they controlled, Fedoseev and Lavlinskiy often made trades in the same securities, on the same days, close to the same times and frequently via the same IP addresses. **Exhibit 79.**

28. **Roman Lavlinskiy (“Lavlinskiy”)** is 29 years old and resides Svobody, 10-26 Voronezh, Russian Federation. **Exhibit 84.** His email address is romanlavlinskiy@gmail.com. **Exhibits 84; Exhibit 88** is a true and correct redacted copy of an email dated October 14, 2010

from TD Ameritrade to Lavlinskiy's email address. Lavlinskiy owns or owned Interactive Brokers account ending *7182 and TD Ameritrade accounts ending *3933 and *9065, which he used to make trades resulting in approximately \$400,000 in profits. **Exhibits 1; 84; 88; and Exhibit 89** (a true and correct redacted copy of a new account form for *3933). Lavlinskiy's trades were often made in the same securities, on the same days and close to the same times, and frequently through the same IP addresses as Fedoseev. **Exhibit 79.**

29. **Oleksandr Makarov ("Makarov")** is 32 years old and resides at Saksahanskoho 92, 18, Kiev, Ukraine. **Exhibit 90** is a true and correct redacted copy of Interactive Brokers summary information for Makarov. Previously, he worked in the financial services industry for various investment companies, including Phoenix Capital. **Exhibit 91** is a true and correct redacted copy of an offering memorandum showing Makarov's background. He has an account at Interactive Brokers ending *4548 and a sub-account *4548F. **Exhibit 90.** Makarov executed trades in those accounts resulting in approximately \$80,000 in profits. **Exhibit 1.** His trades were often made in the same securities, on the same days and close to the same times, and often through the same IP addresses as Defendant Concorde Bermuda. **Exhibit 79.**

30. **Concorde Bermuda Ltd. ("Concorde")** purports to be a hedge fund established in Bermuda with its principal place of business at 2 Mechnykova Street, Kiev, Ukraine. **Exhibits 92 and 93** are true and correct copies of Interactive Brokers account documents for Concorde. Concorde has trading accounts at Interactive Brokers: IB accounts ending: *4327, *1358, *2720. **Exhibit 92.** During the timer period at issue, trades were executed in those accounts resulting in approximately \$3.6 million in profits. **Exhibit 1.** Those trades were often made in the same securities, on the same days and close to the same times, and often through the same IP addresses as Defendant Makarov. **Exhibit 79.**

31. **Exante Ltd.** (“**Exante**”) purports to be a hedge fund located at Portomaso Business Tower, Level 7, St. Julians, Malta. **Exhibit 94** is a true and correct redacted copy of corporate documents for Exante. Exante owns trading accounts at Interactive Brokers, IB account ending *2751, and at Lek Securities. **Exhibits 95-96** are true and correct copies of account documents for Exante at Interactive Brokers and Lek. Several of Exante’s directors are also owners of Defendant Global Hedge Capital Fund Ltd, and the two entities share employees. **Id. and Exhibit 97** (a true and correct redacted copy of Interactive Brokers summary information for Global Hedge). Exante executed trades in these accounts resulting in approximately \$24.5 million in profits. **Exhibit 1.** Exante and Global Hedge frequently made trades in the same securities, on the same days and close to the same times, and often through the same IP addresses. **Exhibit 79.**

32. **Global Hedge Capital Fund Ltd.** (“**Global Hedge**”) purports to be a Cayman Islands-based hedge fund with its principal place of business at Bolshoy Savvinsky 11, Moscow, Russia Federation. Global Hedge shares ownership and employees with Exante. **Exhibit 97.** Global Hedge has a trading accounts at Interactive Brokers, including account ending *4444. **Id.** Global Hedge has used IP XX.XXX.X5.166 to access that account. **Exhibit 79.** This same address was used by defendants Arkadiy Dubovoy and Pavel Dubovoy to access their email accounts. **Id.** Defendant Memelland Investments Ltd. also used that IP address to access its account at Interactive Brokers ending *2799. **Id.** Global Hedge executed trades in its accounts resulting in over \$3.8 million in profits, often in the same securities, on the same days and close to the same times, and often through the same IP addresses as Exante. **Exhibit 79.**

33. **Memelland Investments Ltd.** (“**Memelland**”) purports to be a hedge fund established in the British Virgin Islands with its principal place of business at 2 Christaki kai

Elpinikis Kinni, Flat 8, Summer Gardens, Limassol, Cyprus. **Exhibit 98** is a true and correct redacted copy of a certificate of incorporation for Memelland. Memelland has a trading account at Interactive Brokers, account ending *2799. **Exhibit 99** is a true and correct redacted copy of Interactive Brokers summary information for Memelland. Memelland has used IP XX.XXX.X5.166 to access that account. **Exhibit 79.** Arkadiy Dubovoy and Pavel Dubovoy used that IP address to access their email accounts. **Id.** In addition, defendant Global Hedge used that IP address to access its account at Interactive Brokers ending *4444. **Id.** Memelland executed trades in that account, realizing profits of approximately \$375,000. **Exhibit 1.**

34. **Guibor S.A. (“Guibor”)** purports to be a proprietary trading fund established in France with its principal place of business at 2 Rue Alfred de Vigny Paris, France. **Exhibit 100** is a true and correct redacted copy of Interactive Brokers summary information for Guibor. Guibor shares a business address and an owner with defendant Omega 26 Investments Ltd. **Id.** Guibor has a trading account at Interactive Brokers, account ending *2450. **Id.** Trades were executed in the Guibor account resulting in approximately \$3.5 million in profits. **Exhibit 1.** Defendants Guibor and Omega 26 frequently traded in the same securities, on the same days and close to the same times, and often through the same IP addresses. **Exhibit 79.**

35. **Omega 26 Investments Ltd. (“Omega 26”)** purports to be a proprietary trading fund established in Samoa with its principal place of business 2 Rue Alfred de Vigny Paris, France. **Exhibit 101** is a true and correct redacted copy of Interactive Brokers summary account information for Omega 26. Guibor and Omega 26 have the same owner and business address. **Exhibit 100.** Omega 26 has a trading accounts at Interactive brokers, IB account ending *2898, which was used to execute trades resulting in approximately \$2.1 million in profits. **Exhibit 1.**

HACKED NEWSWIRE SERVICES

36. Newswire Service 1 is a newswire service based in Toronto, Canada. It provides end-to-end content, news production, and distribution services to its clients, including many issuers in the United States.

37. Newswire Service 2 is a newswire service with headquarters in New York. It provides end-to-end content, news production, and distribution services to its clients, including many issuers in the United States. Throughout the relevant time period, Newswire Service 2 computer servers were located in Jersey City, New Jersey and Piscataway, New Jersey. [Collectively, Newswire Service 1 and Newswire Service 2 are referred to herein as the “Newswire Services.”]

TERMS USED IN THIS DECLARATION

Options

38. A stock option, commonly referred to as an “option,” gives its purchaser-holder the option to buy or sell shares of an underlying stock at a specified price (the “strike” price) prior to the expiration date. Options are generally sold in “contracts,” which give the option holder the opportunity to buy or sell 100 shares of an underlying stock.

39. A “call” option gives the purchaser-holder of the option the right, but not the obligation, to purchase a specified amount of an underlying security at a specified strike price within a specific time period. Generally, the buyer of a call option anticipates that the price of the underlying security will increase during a specified amount of time.

40. A “put” option gives the holder of the option the right, but not the obligation, to sell a specified amount of an underlying security at a specified strike price within a specific time

period. Generally, the buyer of a put option anticipates that the price of the underlying security will decrease during a specified amount of time.

Short-Selling

41. Short-selling is the sale of a security not owned by the seller and is a technique used to take advantage of an anticipated decline in price. An investor borrows stock for delivery at the time of the short sale. If the seller can buy that stock later at a lower price, a profit results; if, however, the price rises, a loss results.

Margin

42. “Margin” is typically defined as borrowed money that is used to purchase securities. This practice is referred to as “buying on margin.”

43. Buying with borrowed money can be extremely risky because both gains and losses are amplified. That is, while the potential for greater profit exists, there is a corresponding potential for greater losses. Buying on margin also subjects a trader to additional costs such as the interest payment for use of the borrowed money.

IP Address

44. An “internet protocol address” (“IP address”) is a unique number that gets linked to all online activity conducted by a computer or other device linked to the internet. In simple terms, it is like a return address on a letter.

FACTS

The Newswire Services are Repositories for Material Nonpublic Information

45. The Newswire Services edited and released press releases for publicly-traded companies (also known as “issuers”) in the United States. Often these press releases contained quarterly earnings data and other important financial information for a given issuer. Until the

Newswire Services released the press release to the general public, the sensitive financial information in the press releases constituted material non-public information.

46. To facilitate the process of disseminating quarterly earnings information to the public, issuers routinely provided electronically, draft press releases to the Newswire Services. The Newswire Services then edited and prepared the release for mass release to the public.

47. In providing these services, the Newswire Services become repositories for material non-public information from their issuer-clients. From 2010 through early 2014, the Newswire Services issued more than one million press releases on behalf of their clients. Many of these releases related to earnings announcements. The publication of quarterly earnings information often has a significant positive or negative short-term effect on a given issuer's share price.

48. For each press release, there is a window of time between when the issuer provides a draft press release to the Newswire Services and when the Newswire Service publishes the release. This window varied between a number of minutes and a number of days.

**The Hacker Defendants Accessed
Unpublished Press Releases From Newswire Service 1 and Newswire Service 2**

49. Defendants took advantage of the window of time by hacking into the Newswire Services' computer systems, accessing the press releases prior to their publication, and then trading on the material, non-public information contained in the releases before the information was published to the investing public. After the press release was publicly issued, defendants then closed the trading position they had opened during the window of time between the upload of the press release and its public dissemination. **Exhibit 1.**

50. The hacker defendants' theft of un-published releases oscillated between the two Newswire Services depending on when they had access. The following chart indicates the time periods during which the hacker defendants were focusing on the different Newswire Services:

Date Range	Newswire Service 1	Newswire Service 2
February 2010 to July 2010	Hackers had access to network and press releases.	Limited access to the network.
July 2010 to January 2011	Hackers had access to network and press releases.	Hackers had access to network and press releases
January 2011 to July 2011	Hackers had access to network and press releases.	Change in Newswire Service 2's computer system blocked access.
July 2011 to March 2012	Hackers had access to network and press releases.	Hackers had access to network and press releases.
March 2012 to January 2013	Hackers had access to network and press releases.	Change in Newswire Service 2's computer system blocked access.
January 2013 to March 2013	Hackers had access to network and press releases.	Hackers had access to network and press releases.
March 2013 to November 2013	Hackers had access to network and press releases.	Change in Newswire Service 2's computer system blocked access.
November 2013 to Present	Change in Newswire Service 1's computer system blocked access. Continued attempts by hackers to access the network	Continued attempts by hackers to access the network

51. The Trader Defendants' trading activity mirrored the access and focus of the hacker defendants. When the hacker defendants stole press releases from Newswire Service 1, the trader defendants traded in the securities of the issuers whose press releases were stolen from Newswire Service 1. When the hacker defendants stole press releases from Newswire Service 2, the trader defendants traded in the securities of issuers whose press releases were stolen from Newswire Service 2. **Exhibit 1.**

52. It is common for financial analysis firms to estimate or predict a given issuer's quarterly or yearly earnings. The "market" reaches a consensus expectation based on these different predictions. When an issuer releases its earnings, the share price for that issuer generally increases if its earnings exceed the market consensus and generally decreases if its earnings fall short of the consensus prediction. Accordingly, the stolen press releases contained material information that a trader could use to profit illicitly.

The Hacker Defendants Distributed the Stolen Information to Traders in Exchange for a Percentage of Their Profits or a Flat Fee

53. In October 2010 alone, Turchynov distributed via email more than 400 stolen press releases from Newswire Service 2. **Exhibit 125** is a true and correct redacted copy of an email dated October 24, 2010 from Turchynov Alias to an unidentified person attaching press releases.

54. Ieremenko also distributed stolen press releases electronically. For example, on October 10, 2012, Iermenko electronically sent a link to a press release stolen from Newswire Service 1 to an unidentified person and described how he now had emails for employees at Newswire Service 1 that would allow him to hack into their host server. **Exhibit 126** is a true and correct redacted copy of an October 20, 2012 chat log between Ieremenko and unidentified person.

55. As part of the scheme, the trader defendants compensated the hacker defendants for stealing the press releases from the Newswire Services. **Exhibit 127** is a true and correct redacted copy of an April 2011 Turchynov chat log. The compensation was, at times, a flat fee and, at other times, a percentage of the profits obtained from trading on the material nonpublic information stolen by the hacker defendants. ***Id.*** The hacker defendants ensured they were

receiving the correct percentage by monitoring the trading, either through reports from the traders or direct access to the accounts used.

56. For example, on July 20, 2011, the Dubovoy Group provided account information and login credentials to one of the trading accounts in the name of Arkadiy Dubovoy. This allowed the hacker defendants to monitor the trading in this account to determine the compensation owed for certain trades. **Exhibit 128** is a true and correct redacted copy of a July 20, 2011 email from Pavel Dubovoy to a hacker intermediary enclosing login information for Arkadiy Dubovoy's TD Ameritrade account ending *4751.

57. The next day, that account was accessed from IP address XXXXXX-18.42—the IP address for a workstation Turchynov used to access webpages and one of the IP addresses the hacker defendants used to hack the Newswire Services. Over the next six months, that same IP address accessed Dubovoy's trading account more than 300 times. **Exhibit 79**.

58. At times, the hacker defendants established entities for the purpose of collecting their share of the ill-gotten gains from the illicit trading. For example, upon information and belief, an individual associated with Turchnyov controlled, in whole or in part, an account at a bank in Estonia. **Exhibit 44**. In February and March 2012, the Dubovoy Group defendants sent \$225,000 to that account. These payments came from Tanigold Assets, one of Arkadiy Dubovoy's companies. **Id.** These payments were directed by Pavel Dubovoy, who kept Arkadiy Dubovoy apprised of the payments. **Id.** The Dubovoy Group defendants and Turchnyov labeled them as payments for "technological equipment" and "building equipment." **Id.**

The Dubovoy Group Communicated With the Hacker Defendants

59. The Dubovoy Group had access to the press releases the hacker defendants stole. On November 26, 2010, Pavel Dubovoy emailed Garkusha a link to the internet location of the

server Turchnyov used in the October 24, 2010 internet hacking video, as well as login and password information to the server. **Exhibit 37.** Pavel Dubovoy's email provided instructions about how to login to the server and download files and advised users to conceal the identity of the computer they used to access the server. **Id.** Garkusha forwarded Pavel Dubovoy's email to an unidentified individual. **Id.**

60. In addition, as noted earlier, on July 20, 2011, the Dubovoy Group defendants provided the hacker defendants with access to at least one of the brokerage accounts held in the name of Arkadiy Dubovoy. **Exhibit 128.** The next day, a Ukrainian IP address (XXXXXX-18.42) began accessing that brokerage account. Turchynov used that same IP address to access webpages, and the hacker defendants used that IP address in multiple hacking attacks on the Newswire Services. That IP address also accessed a second brokerage account belonging to Arkadiy Dubovoy. **Exhibit 79.**

61. The hacker defendants used another IP address, XX.XX.X9.101, to hack Newswire Service 2 from January 15, 2013 to March 2, 2013. In addition, that same IP address was also used to access one of Arkadiy Dubovoy's brokerage accounts in May 2012. **Exhibit 79.**

62. On October 12, 2011, Pavel Dubovoy emailed a Turchynov intermediary a list of 14 U.S. issuers whose upcoming earnings releases were to be distributed publicly after the close of the markets on October 12, 2011 and October 13, 2011. **Exhibit 129** is a true and correct redacted copy of an October 12, 2011 email from Pavel Dubovoy to a hacker intermediary forwarding press anticipated press releases.

63. On December 18, 2013, at approximately 1:21 p.m. ET, Khalupsky emailed a screen shot of an unpublished press release relating to an earnings announcement the hacker

defendants had stolen from Newswire Service 1 to his own email account. **Exhibit 130** is a true and correct redacted copy of a December 18, 2013 email from Khalupsky to himself attaching a Viber photo. The unpublished release had been stolen by the hacker defendants and was not published until hours later, at 4:04 pm ET. To take the picture, Khalupsky used a smartphone application that does not retain data. However, the picture was preserved because Khalupsky sent it via email. **Id.**

Trading by the Dubovoy Group

64. The Dubovoy Group defendants spread their trading across more than 10 brokerage firms and in the names of various individuals and entities. **Exhibit 1.**

65. In addition, the Dubovoy Group defendants coordinated their efforts. They helped each other and the Straw Owners establish accounts that were used in the scheme, they shared trading authority (either formally or informally through the sharing of login and password information), and they kept each other informed of their progress and developments. **See, e.g., Exhibits 53; 3; Exhibit 131** (a true and correct redacted copy of a January 5, 2014 email from Momotok to himself attaching a photo of an Interactive Brokers security pin card for Straw Owner 1); **Exhibit 132** (a true and correct redacted copy of a June 6, 2012 email from Igor Dubovoy to Momotok sharing login information for an Arkadiy Dubovoy account); and **Exhibit 12.**

66. Igor Dubovoy and Khalupsky helped Arkadiy Dubovoy set up domestic trading accounts connected with the scheme. **Exhibit 133** is a true and correct redacted copy of an April 1, 2013 email from Momotok to APD Developers attaching Arkadiy Dubovoy's Options House account application; **Exhibit 134** is a true and correct redacted copy of Arkadiy Dubovoy's Options House account application; and **Exhibit 53.** Similarly, Momotok helped Arkadiy

Dubovoy and the Straw Owners establish domestic accounts connected with the scheme.

Exhibits 72-74; Exhibit 135 (a true and correct redacted copy of an August 22, 2013 email from Korchevsky to Arkadiy Dubovoy discussing setting up a business); **Exhibit 136** (a true and correct redacted copy of a March 21, 2012 email from RBC Wealth to Momotok discussing Straw Owner 1's account set-up); and **Exhibit 8**. Likewise, Igor Dubovoy, Pavel Dubovoy, Garkusha, Khalupsky and Korchevsky also helped the Dubovoy Group defendants to set up off-shore accounts connected to the scheme. See, e.g., **Exhibits 45; 57; 61; 62; Exhibit 137** (a true and correct redacted copy of an August 21, 2013 email discussing setting up an off-shore entity); **Exhibit 138** (a true and correct redacted copy of a certificate of incorporation for Freatta Business); and **Exhibit 139** (a true and correct redacted copy of a December 30, 2011 email from Igor Dubovoy to TD Ameritrade regarding setting up an account for an off-shore entity).

67. On April 26, 2013, at 7:35 am, Igor Dubovoy emailed Korchevsky, stating: “Arkadiy asked me to sell all of the stocks if you do not have Internet can you please let me know if I should do it or if you have the service to do it.” **Exhibit 140** is a true and correct copy of an April 26, 2013 email chain between Korchevsky to Igor Dubovoy.

68. Although Khalupsky did not have any accounts in his name or any formal trading authority in any of the accounts involved in the scheme, he considered himself a co-owner of at least one of Arkadiy Dubovoy’s accounts, at one point instructing him: “Please configure *our* CMA-Edge [ending] *9078 as described below” (emphasis added). **Exhibit 53**. That same email also shows that Khalupsky placed trades in the ML account ending in *9078. **Id.**

69. The Dubovoy Group defendants coordinated their trading through emails in which they: (1) shared information about access to the hacker defendants’ secure website and different trading accounts used in the scheme; (2) identified earnings releases to steal and trade on

(Exhibits 38, 71 and 46); (3) directed the trading activity (Exhibits 27, 46, 54 and 140); (4) shared information about payments, costs, and profits (Exhibits 27, 44, 58 and 59); and (5) discussed creating new entities or accounts to participate in the scheme (Exhibits 46, 60, 61 and 135).

70. From January 2011 through February 2014, the Dubovoy Group defendants used the stolen press releases to collectively take more than 1,400 trading positions in the window between upload to the Newswire Service's computer system and public dissemination. Collectively, the Dubovoy Group defendants profited by more than \$31 million. **Exhibit 1.**

71. When trading on the stolen press releases, the Dubovoy Group defendants often used leverage to increase their profits, trading in options and trading on margin. **Exhibit 1.**

The Foreign Trader Defendants Traded in Advance of the Public Issuance of Stolen Press Releases

72. Like the Dubovoy Group defendants, the Foreign Trader defendants made enormous profits trading in the window between press release upload to the Newswire Service and public dissemination. Often, these trades occurred close in time to the issuers' upload of releases to the Newswire Service – an event that, but for the hacking, would only be known by the client and the Newswire Service. **Exhibit 1.**

73. Like the Dubovoy Group, the Foreign Trader defendants shifted their focus between the Newswire Services throughout the relevant period, in step with the hackers' shifting access. When the hacker defendants accessed the unpublished press releases on the computer systems of Newswire Service 1, the Foreign Trader defendants traded based on information in those releases. When the hackers changed their focus to Newswire Service 2, the Foreign Trader defendants traded in the securities of the issuers that were the subject of those releases. **Exhibit 1.**

**The Foreign Trader Defendants are Inter-Connected
and Connected to the Dubovoy Group**

74. The Foreign Traders can be separated into the following six groups based on similar trading patterns and inter-connections: (1) Global Hedge, Exante, and Memelland; (2) Amaryan, Ocean Prime, Intertrade, Slepakov, and Escada; (3) Lavlinskiy and Fedoseev; (4) Omega 26 and Guibor; (5) Makarov and Concorde; and (6) Jaspen, Supranonok, Bering, and Zakharchenko.

Global Hedge, Exante, and Memelland

75. Global Hedge, Exante, and Memelland are connected to each other and to the Dubovoy Group by common IP address usage and common account ownership.

76. For example, the Chief Executive Officer of Global Hedge is also an authorized trader for Exante. **Exhibit 97.** This person used IP address XXXXXX-5.166 in February 2013, to access Global Hedge's Interactive Brokers account ending *4444. **Exhibit 141** (a true and correct redacted copy of an excerpt of a statement from Interactive Brokers with IP address logins); and **Exhibit 79.**

77. A few months later, in July 2013 that same IP address was used to access the email account Dubovoy01@gmail.com, an email address used by Arkadiy Dubovoy. **Exhibit 79.**

78. About eight months later, in March 2014, the same IP address was used by the username assigned to an owner of Memelland to access Memelland's Interactive Broker's account ending *2799. **Exhibit 79.**

79. The next month, the same IP address was used to access the email account Dubovoyp@gmail.com, an email address used by Pavel Dubovoy. **Exhibit 79.**

80. The trading in accounts controlled by Global Hedge, Exante, and Memelland occurred in the window of time between when the press releases were uploaded to the Newswire Service's computer system and when they were publicly released, often close in time to the issuers' upload of releases to the Newswire Services. And their trading oscillated between securities of issuers who disseminated their press release through Newswire Service 1 or Newswire Service 2 in lock-step with the hackers shifting access. **Exhibit 1.**

Amaryan, Ocean Prime, Intertrade, Slepakov, and Escada

81. Amaryan is connected directly to Ocean Prime and Intertrade, and is connected to Slepakov and Escada through common IP usage and trading patterns. **Exhibits 79 and 1.** Amaryan is the CEO of Ocean Prime, has power of attorney for it, and opened Ocean Prime's brokerage account. **Exhibit 77.** Amaryan is also the lone director of Intertrade and controls the Intertrade brokerage account. **Id.** Moreover, Intertrade's operated out of Amaryan's home in Moscow. **Id.**

82. Slepakov is the CEO and owner of Escada. **Exhibit 82.** He controls an account in his own name and one in the name of Escada. **Exhibits 81 and 82.**

83. Slepakov and Amaryan know each other and have emailed one another. For example, in January 2011 Slepakov invited Amaryan to use Dropbox (an email service) to sync and share files online and across computers. **Exhibit 142** is a true and correct redacted copy of a January 28, 2011 email from Dropbox to Amaryan referencing an invitation from Slepakov.

84. The same two IP addresses accessed the Ocean Prime, Intertrade, Slepakov, and Escada accounts at Interactive Brokers hundreds of times, and these four accounts traded frequently in the same securities, on the same dates, close in time to each other. **Exhibit 79.**

85. Amaryan and Ocean Prime are also connected to the Dubovoy Group through a common business relationship. The owner of Ocean Prime is the sole director of a foreign trading company established by Pavel Dubovoy, Korchevsky, and Khalupsky. **Exhibits 77, 137-138 and 135.**

86. The trading in the accounts controlled by Amaryan and Slepakov occurred almost exclusively “in the window,” often occurred close in time to the issuers’ upload of releases to the news services, and oscillated between Newswire Service 1 and Newswire Service 2 in lock-step with the hackers shifting access. **Exhibit 1.**

Lavlinskiy and Fedoseev

87. Lavlinskiy and Fedoseev are connected to each other through common IP usage and trading patterns. Nine IP addresses have logged into both of their accounts numerous times. One of these nine IP addresses, XXXXXXXX-0.168, accessed both of their Interactive Brokers accounts over 100 times. **Exhibit 79.**

88. Lavlinskiy and Fedoseev are also connected to the Dubovoy Group through common trading patterns. Trades in Lavlinskiy and Fedoseev’s accounts traded many of the same securities, on the same dates, in the same direction, within minutes of trades in accounts held in the names of Beratto Group, Dubova, and other Dubovoy Group members. **Exhibit 1.**

89. Lavlinskiy and Fedoseev shared account login and trading information. For example, on October 31, 2012, Fedoseev sent Lavlinskiy a list of stock symbols. **Exhibit 143** is a true and correct redacted copy of an October 31, 2012 email from Fedoseev to Lavlinskiy referencing dates and stock ticker symbols. In another instance, on November 23, 2012, Lavlinskiy chatted with Fedoseev about logging into his account and whether or not the

“download” had started into his account. **Exhibit 86.** Later in that chat they discussed how to set up a wire payment from a bank account. **Id.**

90. On January 29, 2013, at 1:27 p.m., Lavlinskiy forwarded Fedoseev a screen shot of a trade position, showing that he had established a put position in the ticker VMW. **Exhibit 87.** Interactive Brokers trading records reflect that on that day, Fedoseev established a put position in VMW starting at 1:08 p.m. and that Lavlinskiy began establishing a put position in VMW at 1:09 p.m. **Exhibit 1.**

91. The trading in the accounts controlled by Lavlinskiy and Fedoseev occurred in the window of time between when the press releases were uploaded to the Newswire Services’ computer systems and when they were publicly released, often close in time to the issuers’ upload of releases to the Newswire Services. And their trading oscillated between securities of issuers who disseminated their press release through Newswire Service 1 or Newswire Service 2 in lock-step with the hackers shifting access. **Exhibit 1.**

Omega 26 and Guibor

92. Omega 26 and Guibor share a business address and are linked to each other by common ownership. The owner of Guibor also owns part of Omega 26. **Exhibits 100 and 101.**

93. They are also connected by common IP address usage and trading data. The same four IP addresses accessed both accounts more than 100 times. And Guibor and Omega 26 traded many of the same securities, on the same dates, in the same direction, within minutes of each other. **Exhibits 79 and 1.**

94. The trading in the accounts controlled by Guibor and Omega 26 occurred in the window of time between when the press releases were uploaded to the Newswire Services’ computer systems and when they were publicly released, often close in time to the issuers’

upload of releases to the Newswire Services. And their trading oscillated between securities of issuers who disseminated their press release through Newswire Service 1 or Newswire Service 2 in lock-step with the hackers shifting access. **Exhibit 1.**

Makarov and Concorde

95. Makarov and Concorde are connected to one another and to CFD traders, Jaspen and Supranonok.

96. Makarov and Concorde are connected to each other through common IP usage and trading patterns. The trading in Makarov's and Concorde's accounts was often done in the same securities, on the same days, around the same time, and often using the same IP address. Indeed, the same IP address accessed both Makarov's and Concorde's accounts over 100 times.

Exhibits 79 and 1.

97. In addition, previously, Makarov worked with Supranonok (and several other Jaspen partners) at an investment company based on Kiev, Ukraine. **Exhibit 91 and 121.**

98. The trading in the accounts controlled by Makarov and Concorde occurred in the window of time between when the press releases were uploaded to the Newswire Services' computer systems and when they were publicly released, often close in time to the issuers' upload of releases to the Newswire Services. And their trading oscillated between securities of issuers who disseminated their press release through Newswire Service 1 or Newswire Service 2 in lock-step with the hackers shifting access. **Exhibit 1.**

99. The sixth group of foreign traders consists of Jaspen and Bering, including their respective owners and operators Supranonok and Zakharchenko. While this group of traders largely used CFD to take advantage of the stolen information, their pattern of trading in-the-window between the upload of press releases to the hacked Newswire Services and the public

dissemination of those press releases and the outsized profitability of that trading mirrored the activity of the Dubovoy Group and the other Foreign Trader defendants. **Exhibit 1.**

**Examples of Defendants' Trading
Where Press Releases Had Been Stolen**

100. Below are 11 examples of where the trader defendants traded before stolen press releases. All of the information that supports these examples is derived from the underlying data that supports **Exhibit 1**.

Example 1 – Caterpillar

101. During the relevant period, Caterpillar, Inc. (“Caterpillar”), a U.S. company headquartered in Peoria, IL, was in the business of manufacturing and selling construction equipment, among other things. Caterpillar’s common stock was listed on the NYSE.

102. Caterpillar uploaded an earnings release to Newswire Service 2 on October 21, 2011, announcing third quarter results, including all-time record third quarter sales and revenues and an improved outlook for 2011.

103. Between the time it was uploaded at 9:40 a.m. ET on October 21, 2011 and the public distribution of the earnings release by Newswire Service 2, a number of defendants bought, and/or opened bullish option positions in, Caterpillar securities and profited, as set forth below:

Date	Time (ET)	Event	Profits
10/21/2011	9:40 am	Caterpillar uploads 3Q earnings release to Newswire Service 2	
10/21/2011	1:30 pm	Jaspen buys Caterpillar CFDs in GFT *1765	\$42,310
10/21/2011	1:40 pm	Jaspen buys Caterpillar stock in APX *0765	\$34,688
10/21/2011	3:28 pm	Dubovoy Group buys Caterpillar stock in Korchevsky's TD Ameritrade *2449	\$448,241
10/21/2011	3:29 pm	Dubovoy Group buys Caterpillar stock in APD Developers' TD Ameritrade *4751	\$69,000
10/21/2011	3:34 pm	Dubovoy Group buys Caterpillar stock in APD	\$43,500

		Developers' Charles Schwab *0365	
10/21/2011	3:35 pm	Dubovoy Group buys Caterpillar stock in Arkadiy Dubovoy's Charles Schwab *8834	\$45,007
10/21/2011	3:46 pm	Dubovoy Group buys Caterpillar stock in APD Developers' TD Ameritrade *7954	\$37,207
10/21/2011	3:52 pm	Dubovoy Group buys Caterpillar stock in Straw Owner 2's Charles Schwab *3160	\$5,048
10/24/2011	7:30 am	Newswire Service 2 distributes Caterpillar's 3Q earnings release to the public	

104. The price of Caterpillar stock rose \$4.38 per share after the news was announced.

105. With the benefit of the stolen material nonpublic information, all of the defendants who traded in Caterpillar securities during the window between upload of the earnings release and its publication traded in a manner expecting the price of the stock to increase when the news was published.

106. All of these defendants profited. The Dubovoy Group collectively realized over \$648,000 in profits. And the Foreign Trader defendants collectively realized over \$76,000 in profits.

Example 2 – TreeHouse Foods, Inc.

107. During the relevant period, TreeHouse Foods, Inc. (“TreeHouse”) was involved in the food manufacturing industry. The company was incorporated in Delaware with its principal place of business in Illinois. TreeHouse common stock was listed on NYSE.

108. On January 19, 2012, TreeHouse uploaded to Newswire Service 2 a press release announcing lower than expected earnings numbers for the fourth quarter of 2011.

109. Newswire Service 2 publicly distributed that press release at 7:00 a.m. the next day, before the U.S. markets opened.

110. Between the time it was uploaded at 2:26 p.m. ET and the public distribution of the earnings release by Newswire Service 2, a number of defendants sold short TreeHouse stock, sold CFDs, and/or engaged in bearish option positions and profited, as set forth below:

Date	Time (ET)	Event	Profits
1/19/2012	2:26 p.m.	TreeHouse uploads release to Newswire Service 2	
1/19/2012	2:40 p.m.	Dubovoy Group buys TreeHouse put options in Straw Owner 2's TD Ameritrade *2779	\$4,600
1/19/2012	2:50 p.m.	Jaspen sells TreeHouse CFDs in Saxo *INET	\$163,252
1/19/2012	3:12 p.m.	Dubovoy Group buys TreeHouse put options in Korchevsky's E*Trade *6623	\$144,230
1/19/2012	3:17 p.m.	Dubovoy Group sells short TreeHouse stock in APD Developers' TD Ameritrade *7954	\$162,074
1/19/2012	3:21 p.m.	Dubovoy Group sells short TreeHouse stock in Straw Owner 2's Charles Schwab *3160	\$12,888
1/19/2012	3:23 p.m.	Dubovoy Group sells short TreeHouse stock in Arkadiy Dubovoy's Scottrade *0584	\$10,091
1/19/2012	3:25 p.m.	Dubovoy Group sells short TreeHouse stock in M&I Advising's TD Ameritrade *7757	\$1,487
1/19/2012	3:27 p.m.	Dubovoy Group sells short TreeHouse stock in APD Developers' Charles Schwab *0365	\$15,581
1/20/2012	7:00 a.m.	Newswire Service 2 distributes the TreeHouse press release	

111. The price of TreeHouse stock fell over \$6 per share after the news was announced.

112. With the benefit of the stolen material nonpublic information, all of the defendants who traded in TreeHouse during the window between upload of the earnings release and its publication traded in a manner expecting the price of the stock to decrease when the news was published.

113. All of these defendants profited. The Dubovoy Group collectively realized over \$350,000 in profits. And the Foreign Trader defendants realized over \$163,000 in profits.

Example 3 - RadioShack

114. During the relevant period, RadioShack was an American electronics retail chain. RadioShack's common stock was traded on NYSE.

115. On January 30, 2012, RadioShack uploaded a press release announcing its preliminary results for fourth quarter 2011 to Newswire Service 2 at approximately 2:26 p.m. ET. The press release disclosed that RadioShack had realized lower earnings than expected.

116. Newswire Service 2 publicly distributed that press release later that day at approximately 4:17 p.m.

117. Between the time it was uploaded at 2:26 p.m. ET and the public distribution of the earnings release by Newswire Service 2, a number of defendants sold short RadioShack stock, sold CFDs, and/or engaged in bearish option positions and profited, as set forth below:

Date	Time (ET)	Event	Profits
1/30/2012	2:26 pm	RadioShack uploads press release to Newswire Service 2	
1/30/2012	2:51 pm	Jaspen sells RadioShack CFDs in Saxo *1048 and GFT *1765	\$766,736
1/30/2012	2:54 pm	Dubovoy Group purchases RadioShack put options in Straw Owner 2's TD Ameritrade *2779	\$14,600
1/30/2012	3:29 pm	Dubovoy Group sells short RadioShack stock in APD Developers' TD Ameritrade *7954	\$297,613
1/30/2012	3:38 pm	Dubovoy Group sells short RadioShack stock in Straw Owner 2's Charles Schwab *3160	\$24,502
1/30/2012	3:40 pm	Dubovoy Group sells short RadioShack stock in Arkadiy Dubovoy's Scottrade *0584	\$5,380
1/30/2012	3:47 pm	Dubovoy Group sells short RadioShack stock in M&I Advising's TD Ameritrade *7757	\$1,693
1/30/2012	4:17 pm	Newswire Service 2 distributes the RadioShack press release	

118. After the press release was issued, the price of RadioShack stock dropped nearly 30%.

119. With the benefit of the stolen material nonpublic information, all of the defendants who traded in RadioShack during the window between upload of the earnings release and its publication traded in a manner expecting the price of the stock to decrease when the news was published.

120. All of these defendants profited. The Dubovoy Group collectively realized over \$343,000 in profits. Jaspen realized over \$766,000 in profits.

Example 4 – Acme Packet

121. During the relevant period, Acme Packet, Inc. (“Acme”), a U.S. company headquartered in Bedford, MA, was involved in the technology industry. Acme’s common stock was listed on NASDAQ.

122. Acme uploaded an earnings release to Newswire Service 1 on July 25, 2012, announcing second quarter results, including a decline in revenue and net income as compared to the second quarter of 2011.

123. Between the time it was uploaded at 5:53 p.m. ET on July 25 and the public distribution of the earnings release by Newswire Service 1, which occurred at 4:05 p.m. the following day, a number of defendants sold short, and/or opened bearish option positions in, Acme securities and profited, as set forth below:

Date	Time (ET)	Event	Profits
7/25/2012	5:53 pm	Acme uploads 2Q earnings release to Newswire Service 1	
7/26/2012	1:36 pm	Dubovoy Group sells Acme call options and buys Acme put options in Straw Owner 2’s TD Ameritrade *2779	\$14,100
7/26/2012	1:46 pm	Exante sells short Acme stock in Interactive Brokers *2751	\$29,755
7/26/2012	1:51 pm	Global Hedge sells short Acme stock in Interactive Brokers *4444	\$12,134

7/26/2012	1:55 pm	Guibor sells short Acme stock in Interactive Brokers *2450	\$259,753
7/26/2012	2:06 pm	Dubovoy Group sells short Acme stock in Arkadiy Dubovoy's Charles Schwab *8834	\$372,398
7/26/2012	2:19 pm	Bering sells Acme CFDs in Cantor Fitzgerald *0966	\$257,405
7/26/2012	2:51 pm	Dubovoy Group sells short Acme stock in Straw Owner 1's TradeStation *7799	\$25,745
7/26/2012	2:54 pm	Dubovoy Group buys ACME put options in Arkadiy Dubovoy's Fidelity *6216	\$33,779
7/26/2012	3:02 pm	Dubovoy Group sells short Acme stock in Arkadiy Dubovoy's Scottrade *0584	\$69,255
7/26/2012	3:20 pm	Dubovoy Group sells short Acme stock in Straw Owner 4's Interactive Brokers *8944	\$42,535
7/26/2012	3:30 pm	Dubovoy Group sells short Acme stock in Arkadiy Dubovoy's E*Trade *6987	\$127,704
7/26/2012	4:05 pm	Newswire Service 1 distributes Acme's 2Q earnings release to the public	

124. The price of Acme stock fell \$1.16 per share after the news was announced.

125. With the benefit of the stolen material nonpublic information, all of the defendants who traded in Acme securities during the window between upload of the earnings release and its publication traded in a manner expecting the price of the stock to decrease when the news was published.

126. All of these defendants profited. The Dubovoy Group collectively realized over \$685,000 in profits. And the Foreign Traders collectively realized over \$559,000 in profits.

Example 5 – Zumiez, Inc.

127. During the relevant period, Zumiez, Inc. (“Zumiez”) was a clothing store company, specializing in the retail of action sports related apparel and accessories. The company was incorporated in and maintained its principal place of business in Washington. Zumiez’s common stock was listed on NASDAQ.

128. On October 31, 2012, Zumiez uploaded a press release to Newswire Service 1 in which it, among other things, revised its third-quarter guidance downward due to a challenging sales environment in Europe.

129. Newswire Service 1 publicly disseminated the press release that same day at 4:05 p.m. ET, after the U.S. markets closed.

130. Between the time it was uploaded at 1:29 p.m. ET and the public distribution of the earnings release by Newswire Service 1, a number of defendants sold short Zumiez stock, and profited, as set forth below:

Date	Time (ET)	Event	Profits
10/31/2012	1:29 pm	Zumiez uploads press release to Newswire Service 1	
10/31/2012	1:52 pm	Intertrade (Amaryan) sells short Zumiez stock in Interactive Brokers *8284	\$66,849
10/31/2012	1:54 pm	Slepenkov sells short Zumiez stock in Interactive Brokers *6218	\$33,613
10/31/2012	2:09 pm	Omega 26 sells short Zumiez stock in Interactive Brokers *2898	\$103,018
10/31/2012	2:09 pm	Guibor sells short Zumiez stock in Interactive Brokers *2450	\$69,016
10/31/2012	2:21 pm	Exante sells short Zumiez stock in Lek account	\$75,861
10/31/2012	2:30 pm	Fedoseev sells short Zumiez stock in Interactive Brokers *4148	\$11,822
10/31/2012	2:34 pm	Lavlinskiy sells short Zumiez stock in Interactive Brokers *7182	\$2,114
10/31/2012	3:01 pm	Global Hedge sells short Zumiez stock in Interactive Brokers *4444	\$87,610
10/31/2012	4:00 pm	Newswire Service 1 distributes Zumiez earnings release	

131. The price of Zumiez stock fell over \$4 per share after the news was announced.

132. With the benefit of the stolen material nonpublic information, all of the defendants who traded in Zumiez during the window between upload of the earnings release and its publication traded in a manner expecting the price of the stock to decrease when the news was published.

133. All of these defendants profited. The Foreign Trader defendants realized over \$449,000 in profits.

Example 6 – Brocade Communications Systems

134. During the relevant period, Brocade Communications Systems (“Brocade”) was a technology company, incorporated in Delaware with its principal place of business in California. Brocade’s common stock was listed on NASDAQ.

135. On May 1, 2013 at approximately 3:29 p.m. ET, Brocade uploaded a press release to Newswire Service 1, announcing that it had revised earnings per share and revenue guidance downward.

136. Newswire Service 1 publicly disseminated the press release that same day at 4:05 p.m. ET, after the U.S. markets closed.

137. As the timeline below indicates, many of the Foreign Trader defendants traded in advance of this announcement by Brocade, and they did so within the 36-minute window of time between when Newswire Service 1 received the release and when it made the release public. Moreover, the Foreign Trader defendants’ trading activity is clustered in an even smaller eight-minute window, and all of the Foreign Trader defendants took short positions, which is the logical trade to make in advance of negative guidance:

Date	Time (ET)	Event	Profit
5/1/2013	3:29 pm	Brocade uploads news release to Newswire Service 1	
5/1/2013	3:39 pm	Jaspen sells Brocade CFDs in Saxo *NET2	\$16,000
5/1/2013	3:39 pm	Makarov sells short Brocade stock in Interactive Brokers *4548	\$470
5/1/2013	3:43 pm	Exante sells short Brocade stock in Lek account	\$20,836
5/1/2013	3:45 pm	Guibor sells short Brocade stock in Interactive Brokers *2450	\$153,671
5/1/2013	3:45 pm	Omega 26 sells short Brocade stock in Interactive Brokers *2898	\$183,913

5/1/2013	3:46 pm	Slepenkov sells short Brocade stock in Interactive Brokers *6218	\$27,690
5/1/2013	3:46 pm	Bering sells Brocade CFDs in Cantor Fitzgerald *0969	\$72,258
5/1/2013	3:47 pm	Ocean Prime (Amaryan) sells short Brocade stock in in Interactive Brokers *9827	\$36,539
5/1/2013	4:05 pm	Newswire Service 1 distributes Brocade press release to public	

138. The price of Brocade stock fell \$0.32 per share after the news was announced.

139. With the benefit of the stolen material nonpublic information, all of the defendants who traded in Brocade during the 30 minute window between upload of the release and its publication traded in a manner expecting the price of the stock to increase when the news was published.

140. All of these defendants profited. The Foreign Trader defendants realized over \$511,000 in profits.

Example 7 – Edwards Life Sciences

141. During the relevant period, Edwards Lifesciences (“Edwards”) was involved in the science of heart valves and hemodynamic monitoring. It was incorporated in Delaware and headquartered in California. Edwards’ common stock was listed on the NYSE.

142. Edwards uploaded an earnings release to Newswire Service 1 on April 23, 2013, at approximately 11:39 a.m. ET. The earnings release stated that Edwards’ earnings per share had increased by 125% but that the Company was lowering its guidance for the next quarter.

143. Between the time it was uploaded at 11:39 a.m. ET on April 23 and the public distribution of the earnings release by Newswire Service 1, a number of defendants sold short Edwards stock and CFDs and profited, as set forth below:

Date	Time (ET)	Event	Profits
4/23/2013	11:39 pm	Edwards uploads 1Q earnings release to Newswire Service 1	
4/23/2013	12:33 pm	Makarov sells short Edwards stock in Interactive Brokers *4548	\$1,088
4/23/2013	12:43 pm	Exante sells short Edwards stock in Interactive Brokers *4548	\$1,939,716
4/23/2013	1:04 pm	Lavlinskiy sells short Edwards stock in Interactive Brokers *7182	\$63,359
4/23/2013	1:04 pm	Fedoseev sells short Edwards stock in Interactive Brokers *4148	\$128,947
4/23/2013	1:09 pm	Global Hedge Capital Fund sells short Edwards stock in Interactive Brokers *4444	\$71,593
4/23/2013	1:13 pm	Jaspen sells Edwards CFDs in GFT *1765, Cantor Fitzgerald *0994, Cantor Fitzgerald *0011	\$670,573
4/23/2013	1:28 pm	Dubovoy Group sells short Edwards stock and sells Edwards put options in Korchevsky's E*Trade *6623	\$250,254
4/23/2013	1:30 pm	Dubovoy Group sells short Edwards stock in Korchevsky's JP Morgan *0336	\$47,487
4/23/2013	1:32 pm	Dubovoy Group sells short Edwards stock in Arkadiy Dubovoy's Merrill Lynch *9078	\$172,876
4/23/2013	1:41 pm	Dubovoy Group sells short Edwards stock in Straw Owner 1's TradeStation *7799	\$31,699
4/23/2013	1:43 pm	Intertrade sells short Edwards stock in Interactive Brokers *8284	\$154,482
4/23/2013	1:54 pm	Bering sells Edwards CFDs in Cantor Fitzgerald *969	\$280,240
4/23/2013	1:55 pm	Dubovoy Group sells short Edwards stock in Arkadiy Dubovoy's E*Trade *6987	\$117,849
4/23/2013	2:29 pm	Slepenkov sells short Edwards stock in Interactive Brokers *6218	\$107,000
4/23/2013	2:43 pm	Omega 26 sells short Edwards stock in Interactive Brokers *2898	\$166,434
4/23/2013	2:44 pm	Guibor sells short Edwards stock in Interactive Brokers *2450	\$113,092
4/23/2013	3:02 pm	Dubovoy Group sells short Edwards stock in Arkadiy Dubovoy's Scottrade *0584	\$9,841
4/23/2013	3:02 pm	Dubovoy Group sells short Edwards stock in Arkadiy Dubovoy's Fidelity *6216	\$182,063
4/23/2013	3:10 pm	Dubovoy Group sells short Edwards stock in Straw Owner 4's Interactive Brokers *8944	\$31,353
4/23/2013	4:01 pm	Newswire Service 1 distributes EW earnings release to the public	

144. After the news was publicly released, the market responded the way defendants anticipated and the price of Edwards stock dropped from \$82.81 per share to \$64.60 per share.

145. With the benefit of the stolen material nonpublic information, all of the defendants who traded in Edwards stock and CFDs during the window between upload of the earnings release and its publication traded in a manner expecting the price of the stock to decrease when the news was published.

146. With the unfair advantage of the stolen material nonpublic information, the Dubovoy Group realized over \$843,000 in profits on these transactions, and the Foreign Trader defendants collectively realized over \$3.6 million in profits.

Example 8 – Panera Bread Co.

147. During the relevant period, Panera Bread Co. (“Panera”) was a company involved in the food industry, incorporated in Delaware with its principal place of business in Missouri. Panera’s common stock was listed on NASDAQ.

148. At approximately 10:00 a.m. ET on July 23, 2013, Panera uploaded a press release to Newswire Service 1, which announced among other things, that Panera was revising downward its diluted earnings per share target for fiscal 2013.

149. Newswire Service 1 publicly disseminated the press release later that same day at 4:00 p.m., after the U.S. markets closed.

150. Between the time it was uploaded and the public distribution of the earnings release by Newswire Service 1, a number of defendants sold short Panera securities or CFDs and profited, as set forth below:

Date	Time (ET)	Event	Profit
7/23/2013	10:00 am	Panera uploads press release to Newswire Service 1	
7/23/2013	12:15 pm	Jaspen sells Panera CFDs in ADM *CM07 and Cantor Fitzgerald *0011	\$1,561,703

7/23/2013	2:05 pm	Global Hedge sells short Panera stock in Interactive Brokers *4444	\$19,076
7/23/2013	3:11 pm	Dubovoy Group sells short Panera stock and buys Panera put options in Korchevsky's E*Trade *6623	\$216,451
7/23/2013	3:32 pm	Dubovoy Group sells short Panera stock in Arkadiy Dubovoy's Fidelity *6216	\$89,508
7/23/2013	3:33 pm	Dubovoy Group sells short Panera stock in Straw Owner 1's Interactive Brokers *7799	\$6,110
7/23/2013	3:34 pm	Dubovoy Group sells short Panera stock in Arkadiy Dubovoy's E*Trade *6987	\$15,254
7/23/2013	3:38 pm	Makarov sells Panera CFDs in Interactive Brokers *4548F	\$1,364
7/23/2013	3:38 pm	Concorde sells short Panera stock in Interactive Brokers *1358	\$219,045
7/23/2013	3:39 pm	Dubovoy Group sells short Panera stock in Arkadiy Dubovoy's Merrill Lynch *9078	\$25,277
7/23/2013	3:40 pm	Dubovoy Group sells short Panera stock in Beratto Group's APX *5038	\$23,231
7/23/2013	3:41 pm	Bering sells Panera CFDs in Cantor Fitzgerald *0969	\$93,244
7/23/2013	3:42 pm	Dubovoy Group sells short Panera stock in Straw Owner 4's Interactive Brokers *8944	\$6,480
7/23/2013	3:45 pm	Memeland sells short Panera stock in Interactive Brokers *4300	\$19,808
7/23/2013	3:47 pm	Intertrade sells short Panera stock in Interactive Brokers *8284	\$22,229
7/23/2013	3:47 pm	Slepakov sells short Panera stock in Interactive Brokers *6218	\$26,984
7/23/2013	3:49 pm	Makarov sells short Panera stock in Interactive Brokers * 4548	\$133
7/23/2013	3:50 pm	Dubovoy Group sells short Panera stock in Korchevsky's JP Morgan *0366	\$50,279
7/23/2013	4:00 pm	Newswire Service 1 disseminates Panera news release to the public	

151. The price of Panera stock fell from a closing price of \$182.01 per share on July 23 to a closing price of \$169.62 per share on July 24.

152. With the benefit of the stolen material nonpublic information, all of the defendants who traded in Panera during the window between upload of the earnings release and its publication traded in a manner expecting the price of the stock to decrease when the news was published.

153. All of these defendants profited. The Dubovoy Group collectively realized over \$432,000 in profits. And the Foreign Trader defendants realized over \$1.9 million in profits.

Example 9 - VMWare

154. During the relevant period, VMware, Inc. (“VMware”), a U.S. company headquartered in Palo Alto, CA, was involved in virtualization and cloud infrastructure. VMware’s common stock was listed on the NYSE.

155. At approximately, 12:09 p.m. on July 23, 2013, VMware uploaded an earnings release to Newswire Service 1 announcing second quarter results, including 11% year-over year revenue growth and a record high non-GAAP operating margin.

156. Newswire Service 1 publicly disseminated the press release that same day at 4:01 p.m., after the U.S. markets closed.

157. Between the time it was uploaded and the public distribution of the earnings release by Newswire Service 1, a number of defendants bought VMware securities and profited, as set forth below:

Date	Time (ET)	Event	Profits
7/23/2013	12:09 pm	VMware uploads 2Q earnings release to Newswire Service 1	
7/23/2013	1:23 pm	Makarov buys VMware stock in Interactive Brokers *4548	\$5,398
7/23/2013	1:37 pm	Slepenkov buys VMware stock in Interactive Brokers *6218	\$64,622
7/23/2013	1:38 pm	Ocean Prime (Amaryan) buys VMware stock in Interactive Brokers *9827	\$110,908
7/23/2013	2:11 pm	Bering buys VMWare CFDs in Cantor Fitzgerald *0969	\$112,173
7/23/2013	2:12 pm	Concorde buys VMware stock in Interactive Brokers *1358	\$709,310
7/23/2013	2:25 pm	Intertrade buys VM stock in Interactive Brokers *8284	\$11,662
7/23/2013	2:48 pm	Bering buys VMware CFDs in Cantor Fitzgerald *0969	\$112,174

7/23/2013	3:31 pm	Dubovoy Group buys VMware stock in Arkadiy Dubovoy's Fidelity *6216	\$50,182
7/23/2013	3:35 pm	Dubovoy Group buys VMware stock in Arkadiy Dubovoy's E*Trade *6987	\$5,897
7/23/2013	3:35 pm	Dubovoy Group buys VMware stock in Korchevsky's E*Trade *6623	\$83,061
7/23/2013	3:35 pm	Memelland buys VMware stock in Interactive Brokers *4300	\$40,748
7/23/2013	3:46 pm	Dubovoy Group buys VMware stock in Straw Owner 4's Interactive Brokers *8944	\$12,445
7/23/2013	3:50 pm	Dubovoy Group buys VMware stock in Southeastern Holding's TD Ameritrade *6350	\$14,759
7/23/2013	3:55 pm	Dubovoy Group buys VMware stock in Korchevsky's JP Morgan *0336	\$99,717
7/23/2013	4:01 pm	Newswire Service 1 distributes VMware's 2Q earnings release to the public	

158. The price of VMware stock rose \$11.92 per share after the news was announced.

159. With the benefit of the stolen material nonpublic information, all of the defendants who traded in VMware securities during the window between upload of the earnings release and its publication traded in a manner expecting the price of the stock to increase when the news was published.

160. All of these defendants profited. The Dubovoy Group collectively realized over \$266,000 in profits. And the Foreign Trader defendants collectively realized over \$1.1 million in profits.

Example 10 – TIBCO Software

161. During the relevant period, TIBCO Software (“TIBCO”), a U.S. company headquartered in California, was involved in the development of infrastructure and business intelligence software. TIBCO’s common stock was listed on NASDAQ.

162. On September 19, 2013, at approximately 1:47 p.m., TIBCO uploaded a news release to Newswire Service 1 announcing third quarter results, including record third quarter

total revenue and an increase in earnings per share over the prior year's third quarter earnings per share.

163. Newswire Service 1 publicly disseminated the press release that same day at 4:05 p.m., after the U.S. markets closed.

164. Between the time it was uploaded and the public distribution of the press release by Newswire Service 1, a number of defendants purchased TIBCO securities and profited, as set forth below:

Date	Time (ET)	Event	Profits
9/19/2013	1:47 pm	TIBCO uploads 3Q earnings release to Newswire Service 1	
9/19/2013	2:35 pm	Dubovoy Group buys TIBCO stock in Arkadiy Dubovoy's Options House *8957	\$15,570
9/19/2013	3:15 pm	Jaspen buys TIBCO CFDs in GFT *1765 and CF *0011	\$56,830
9/19/2013	3:16 pm	Makarov buys TIBCO stock in Interactive Brokers *4548	\$7,796
9/19/2013	3:17 pm	Slepenkov buys TIBCO stock in Interactive Brokers *6218	\$93,892
9/19/2013	3:18 pm	Ocean Prime (Amaryan) buys TIBCO stock in Interactive Brokers *9827	\$108,300
9/19/2013	3:19 pm	Bering buys TIBCO CFDs in Cantor *969	\$88,780
9/19/2013	3:23 pm	Makarov buys TIBCO CFDs in Interactive Brokers *4548F	\$2,070
9/19/2013	3:24 pm	Intertrade buys TIBCO stock in Interactive Brokers *8284	\$20,447
9/19/2013	3:29 pm	Dubovoy Group buys TIBCO stock in Arkadiy Dubovoy's Merrill Lynch *9078	\$37,451
9/19/2013	3:31 pm	Jaspen buys TIBCO CFDs in SAXO *INET	\$18,020
9/19/2013	3:36 pm	Dubovoy Group buys TIBCO stock in Beratto Group's APX *5038	\$33,358
9/19/2013	3:36 pm	Dubovoy Group buys TIBCO stock in Straw Owner 3's Interactive Brokers *8348	\$7,580
9/19/2013	3:36 pm	Guibor buys TIBCO stock in Interactive Brokers *2450	\$51,269
9/19/2013	3:40 pm	Dubovoy Group buys TIBCO stock in Arkadiy Dubovoy's E*Trade *6987	\$30,663
9/19/2013	3:45 pm	Dubovoy Group buys TIBCO stock in Korchevsky's E*Trade *6623	\$60,448
9/19/2013	3:53 pm	Dubovoy Group buys TIBCO stock in Arkadiy Dubovoy's Fidelity *6216	\$66,407
9/19/2013	4:05 pm	Newswire Service 1 distributes TIBCO's 3Q earnings release to the public	

165. The price of TIBCO stock rose \$0.45 per share after the news was announced.

166. With the benefit of the stolen material nonpublic information, all of the defendants who traded in TIBCO during the window between upload of the earnings release and its publication traded in a manner expecting the price of the stock to increase when the news was published.

167. All of these defendants profited. The Dubovoy Group collectively realized over \$250,000 in profits. And the Foreign Trader defendants realized over \$447,000 in profits.

Example 11 – Align Technology

168. During the relevant period, Align Technology, Inc. (“Align”), a U.S. company headquartered in San Jose, CA, was involved in designing, manufacturing, and marketing Invisalign, a proprietary method for treating the misalignment of teeth. Align’s common stock was listed on NASDAQ.

169. Align uploaded an earnings release to Newswire Service 1 on October 17, 2013, announcing third quarter results, including 20.5% year-over year revenue growth.

170. Between the time it was uploaded at 1:28 a.m. ET on October 17 and the public distribution of the earnings release by Newswire Service 1, a number of defendants bought Align securities and profited, as set forth below:

Date	Time (ET)	Event	Profits
10/17/2013	1:28 am	Align uploads 3Q earnings release to Newswire Service 1	
10/17/2013	12:34 pm	Dubovoy Group buys Align stock in Arkadiy Dubovoy’s Options House *8957	\$72,067
10/17/2013	1:14 pm	Jaspen buys Align CFDs in Cantor *0994	\$291,318
10/17/2013	1:15 pm	Jaspen buys Align CFDs in Cantor *0011	\$410,693
10/17/2013	1:22 pm	Concorde buys Align stock in Interactive Brokers *1358	\$532,323
10/17/2013	1:34 pm	Dubovoy Group buys Align stock in Beratto Group’s APX *5038	\$114,393

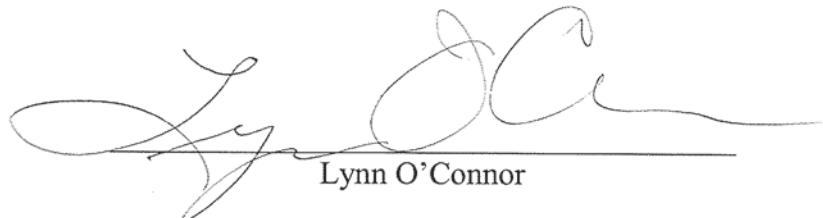
10/17/2013	1:43 pm	Dubovoy Group buys Align stock in Arkadiy Dubovoy's Merrill Lynch *9078	\$96,942
10/17/2013	1:56 pm	Jaspen buys Align CFDs in SAXO *INET	\$114,900
10/17/2013	2:25 pm	Intertrade (Amaryan) buys Align stock in Interactive Brokers *8284	\$126,136
10/17/2013	2:26 pm	Escada (Slepenkov) buys Align stock in Interactive Brokers *2806	\$243,869
10/17/2013	2:27 pm	Ocean Prime (Amaryan) buys Align stock in Interactive Brokers *9827	\$375,599
10/17/2013	2:29 pm	Bering buys Align CFDs in Cantor Fitzgerald *969	\$357,058
10/17/2013	2:36 pm	Dubovoy Group buys Align stock in Korchevsky's JP Morgan *0336	\$252,609
10/17/2013	2:36 pm	Dubovoy Group buys Align stock in Korchevsky's E*Trade *6623	\$336,410
10/17/2013	2:55 pm	Dubovoy Group buys Align stock in Arkadiy Dubovoy's Fidelity *6216	\$406,296
10/17/2013	3:05 pm	Dubovoy Group buys Align stock in Arkadiy Dubovoy's E*Trade *6987	\$190,543
10/17/2013	3:17 pm	Dubovoy Group buys Align stock in Straw Owner 3's Interactive Brokers *8348	\$38,972
10/17/2013	3:17 pm	Dubovoy Group buys Align stock in Korchevsky's Fidelity *4716	\$58,703
10/17/2013	3:27 pm	Exante buys Align stock in LEK account	\$48,225
10/17/2013	3:46 pm	Memelland buys Align stock in Interactive Brokers *2799	\$40,537
10/17/2013	4:00 pm	Newswire Service 1 distributes Align's 3Q earnings release to the public	

171. The price of Align stock rose \$12.05 per share after the news was announced.

172. With the benefit of the stolen material nonpublic information, all of the defendants who traded in Align securities during the window between upload of the earnings release and its publication traded in a manner expecting the price of the stock to increase when the news was published.

173. All of these defendants profited. The Dubovoy Group collectively realized over \$1.5 million in ill-gotten gains. And the Foreign Trader defendants collectively realized over \$2.5 million in profits.

I, Lynn O'Connor, do hereby declare under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge. Executed on this ____th day of August, 2015.



A handwritten signature in black ink, appearing to read "Lynn O'Connor". The signature is fluid and cursive, with "Lynn" on the left and "O'Connor" on the right, connected by a horizontal line.